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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,625	11/21/2003	Kei Matsuoka	245719US2RD	8609
22850	7590	10/20/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.			EXAMINER	
1940 DUKE STREET			RHEE, JANE J	
ALEXANDRIA, VA 22314			ART UNIT	PAPER NUMBER
			1795	
NOTIFICATION DATE	DELIVERY MODE			
10/20/2008	ELECTRONIC			

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/717,625	<b>Applicant(s)</b> MATSUOKA ET AL.
	<b>Examiner</b> JANE RHEE	<b>Art Unit</b> 1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 28 August 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1,5,7-21 and 23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 8-21 and 23 is/are allowed.

6) Claim(s) 1,5,7 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/06/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/28/08 has been entered.

### ***Rejections Withdrawn***

2. The 35 U.S.C. 102(b) rejection of claims 1,5,7 anticipated by Baldauf et al. has been withdrawn due to applicant's amendment filed on 8/28/08.

3. The 35 U.S.C. 102(e) rejection of claims 8-9,15-17,23 anticipated by Von Andrian et al. has been withdrawn due to applicant's amendment filed on 8/28/08.

4. The 35 U.S.C. 103(a) rejection of claims 11-13,19-21 unpatentable over Von Andrian et al. in view of Baldauf et al. has been withdrawn due to applicant's amendment filed on 8/28/08.

5. The 35 U.S.C. 103(a) rejection of claims 10,18 unpatentable over Von Andrian in view of Tsuki et al. has been withdrawn due to applicant's amendment filed on 8/28/08.

### ***New Rejection***

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1,5,7 are rejected under 35 U.S.C. 102(b) as being anticipated by Von Andrian et al. (6977118).

As to claim 1, Von Andrian et al. discloses a fuel cell system comprising a direct organic liquid feed fuel cell having an anode, a cathode, and an electrolyte membrane put therebetween (figure 1), a fuel supply unit supplying liquid fuel to the anode (figure 1) an air supply unit supplying air to the cathode (figure 1), and a heat exchanger (figure 1 WT3) exchanging heat between the liquid fuel supplied by the fuel supply unit to the anode (figure 1) and an exhaust exhausted from the liquid fuel cell wherein the exhaust is exhausted from ten anode or both cathode and anode (figure 1). As to claim 5, Von Andrian et al. discloses that the fuel supply unit further comprises a mixing container mixing the fuel and the exhaust so as to form a mixture in advance (figure 1). As to claim 7, Von Andrian et al. discloses that liquid fuel cell is a direct liquid methanol fuel cell (col. 3 line 45).

***Allowable Subject Matter***

7. Claims 8-21,23 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art fail to disclose a fuel cell system comprising a heat exchanger connected to the mixing container so as to exchange heat between ambient air and the liquid mixture in the mixing container.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JANE RHEE whose telephone number is (571)272-1499. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Primary Examiner, Art Unit 1795

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